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sworn February 15, 2002


A commissioner, etc

Patients drugged in experiments at psychiatric facility, suit claims

Programs abused criminally insane, documents allege

BY TRACEY TYLER
LEGAL AFFAIRS REPORTER

Criminally insane patients were routinely drugged and tortured at a provincial psychiatric facility while the provincial government looked the other way, according to documents filed with the Ontario Superior Court.

The allegations are contained in a \$150 million class-action lawsuit filed against the Ontario government and a Midland psychiatrist by a patient at the Penetanguishene Mental Health Centre's Oak Ridge division.

The lawsuit alleges that patients in three treatment programs between 1965 and 1982 were subjected to mental and physical abuse and mind-altering LSD experiments without consent in an effort to reconstruct their personalities.

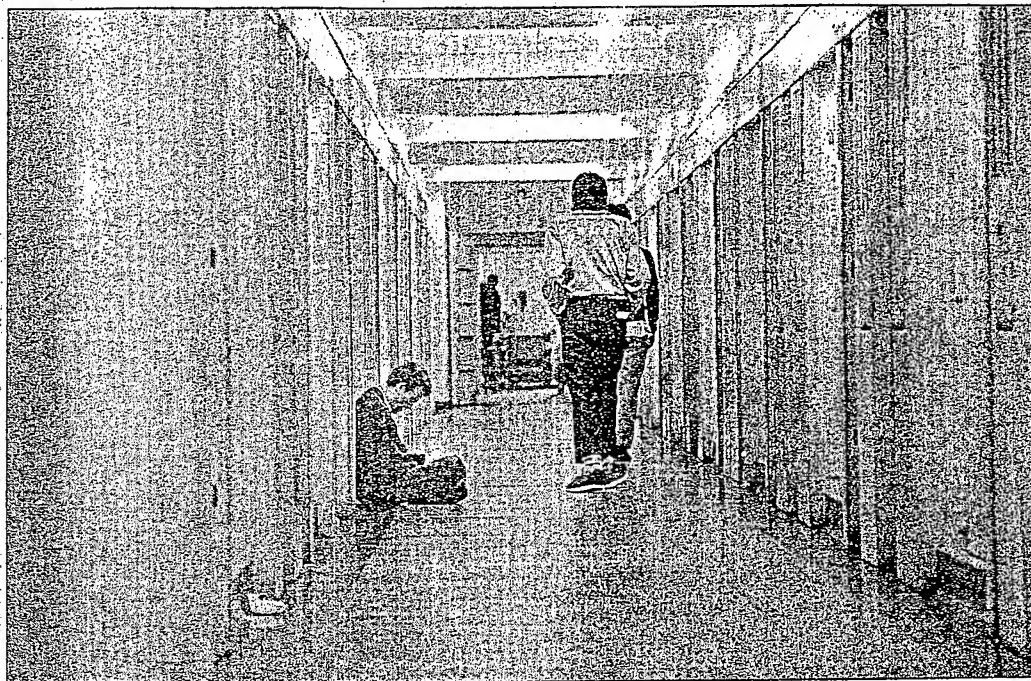
They instead became drug addicts, even more violent and frequently reoffended, according to a statement of claim filed in the Ontario Superior Court.

The experiments included what was known as the "capsule program," in which four or more patients were stripped naked and confined for up to two weeks in a small room while fed liquids through straws placed through holes in the wall, the document alleges.

"There was no scientifically proven value to these experiments," the claim asserts, alleging they were carried on "for years, and even decades, without the crown questioning the value" or effect on patients.

Teresa Walsh, a Toronto lawyer representing Dr. Elliott Barker, a former Penetang staff psychiatrist named in the lawsuit, said a statement of defence hasn't yet been filed but her client will be denying the programs amounted to experimentation.

"This particular therapeutic community was open to the media at all times," Walsh said, adding that in addition to widespread newspaper coverage at the time, a parliamentary justice committee visited Penetang's treatment centre and said it was "par-



TORONTO STAR FILE PHOTO

ALLEGATIONS: A \$150 million lawsuit alleges patients at Penetanguishene Mental Health Centre's Oak Ridge division, shown above, were subjected to abuse and experiments between 1965 and 1982.

ticularly impressed" by its concepts.

One can't forget the treatment programs were initiated 30 years ago, she said.

The lead plaintiff is Vance Egglestone, 44, who has been locked up almost continuously since being charged with rape in August, 1975.

Egglestone was found not guilty by reason of insanity after a Toronto trial in 1976 and sent to Penetang indefinitely on a lieutenant-governor's warrant. In 1986, while released on a conditional warrant, he was charged with aggravated sexual assault, forcible confinement and choking. He was returned to jail, but later escaped from the Kingston Psychiatric Hospital during an assessment.

He eventually pleaded guilty to the 1986 sexual assault and went to jail for six months. After that, he was sent to the Brockville Psychiatric Hospital, then back to Penetanguishene, where

he's been ever since.

In May, 1976, his lawsuit alleges, he became one of "hundreds" of patients who were "no more than human guinea pigs" for experiments, which fell into three major categories, which in addition to the capsule included:

■ The "M.A.P." program. Short for Motivation, Attitude and Participation, the program involved forcing groups of four to eight men to sit on a bare floor while not being allowed to move more than twice in eight hours. Failure to comply led to verbal confrontations, sedation, use of restraints or solitary confinement, the claim alleges.

■ Defence Disruptive Therapy. The lawsuit claims that, starting in the mid-'60s, a variety of "demystifying drugs" as well as LSD were given to patients in combination with alcohol, Ritalin and Methedrine. Egglestone was involved in the experiments from

March 2, 1976, to Feb. 23, 1979, the statement of claim alleges.

Consent was never solicited in most cases and where sought was of no legal value since it was obtained "under duress, coercion or intimidation," the statement of claim asserts.

In the document, Egglestone's lawyer Joel Rochon alleges that Penetang experiments mirrored CIA brainwashing experiments. They're also "consistent" with mind-altering LSD experiments conducted by Dr. Ewen Cameron at McGill University's Allan Memorial Institute from 1957-61, funded by the U.S. Central Intelligence Agency and Canada's defence department, the claim alleges.

Brendan Crawley, a spokesperson for the attorney-general's ministry, says it is "not in a position to comment" because it's awaiting an amended version of Egglestone's claim.

December 5, 2000 Midland Free Press, Ontario

Ridge patients allege 'torture and abuse'

By CAREY MORAN
Free Press Staff Reporter

Criminally insane patients are suing the province for forcing them into radical and experimental treatments that made them more of a threat to society.

A Toronto law firm representing a patient at Oak Ridge, the maximum security division of the Mental Health Centre Penetanguishene, has filed a \$150 million class action lawsuit against Ontario's Attorney General and former Oak Ridge psychiatrist Elliott Barker.

The lawsuit, which was filed Oct. 25, 2000, is expected to be amended to include other staff and patients at MHCP.

In 1965, Dr. Barker developed intensive experimental treatment programs for psychopathic patients recruited and sent to the facility by the courts.

Vance Egglestone was one of those patients

He was sent to Oak Ridge in 1976 at the age of 19 after being found not guilty by reason of insanity of rape. Mr. Egglestone is still being held at the hospital under a disposition order.

"Instead of receiving therapy for my illness, I was subjected to torture and abuse. And participation was not optional," said Mr. Egglestone during a recent interview in the Oak Ridge visitors' common area.

According to a 1968 research paper, the objective of the Social Therapy Unit, as the program became known, was "a major reconstruction of the personality, as opposed to supportive or repressive measures."

The methods employed included use of "deconditioning" drugs, including LSD; sleep deprivation and induced coma-like sleep; and handicuffing patients to known enemies for prolonged confrontation.

One of the more bizarre tools was

known as "the capsule," a small windowless room to which small groups of patients were confined for extended periods of time, often without the benefit of clothing. Food was provided through straws in the wall. Patients were monitored by other patients via closed circuit cameras.

The program was dismantled in 1983 when it was found that the program violated the patients' right to consent.

In fact, subsequent research has shown the program actually made patients more ill, and increased their risk of reoffending when released into the community.

Several of the programs' graduates have made headlines including Joseph Fredericks, who tied up, actually assaulted and killed a young Stratford boy he had abducted from a shopping mall.

Others, many of whom have been housed at Oak Ridge since the 1970s, likely will never be released.

"It's abusive, being detained in this institution because we are the products of those programs, in which we had no choice to participate," Mr. Egglestone said.

"If I had been treated in the first place according to conventional methods of therapy and support, I would have been a better person today. Instead, I've lost 24 years of my life and will suffer today," he said.

Neither Dr. Barker nor officials with the Attorney General's office were available for comment at press time.

The defendants had until Nov. 15, 2000 to pay the action or file a notice of intent to defend or a statement of defence.

The lawsuit asks for \$100 million in general damages on behalf of the class, and a further \$50 million for aggravated, punitive and exemplary damages, as well as interest and court costs.